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# CERTAINE CONSIDERATIONS touching the better pacification,

*and Edification of the Church*

of ENGLAND:

*Jannus Bacon*

Dedicated to his most Excellent  
Majestic.

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# CERTAINE CONSIDERATIONS touching the better pacification,

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*Dedicated to his most Excellent  
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HE Vnitie of Your  
Church, (Excellent So-  
veraigne) is a thing no  
lesse precious, than the  
Vaion of your King-  
domes, being both  
Workes wherein your  
happinesse may con-  
tend with your wor-  
thinesse. Having there-  
fore presumed not,

without your Majesties gracious acceptation  
to say somewhat of the one, I am the more in-  
couraged not to bee silent in the other ; the ra-  
ther, because it is an Argument that I have tra-  
velled heretofore : But Salomon commendereth

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word spoken in season ; and as our Saviour ( speaking of the discerning of seasons) saith. When you see a cloud rising in the West, you say it will be a shoure : So your Majestie, rising to this Monarchie in the West parts of the World, doth promise a sweet and fruitfull houre of many blessings vpon this Church and Common wealth, a shoure of that influence, as the very first dewes and drops thereof, have already layd the stormes and windes throughout Christendome, reducing the very face of Europe, to a more peaceable and amiable Countenance. But to the purpose.

It is very true that these Ecclesiasticall matters, are things not properly appertaining to my profession, which I was not so inconsiderate, but to object to my selfe ; but finding that it is many times scene, that a man that standeth off, and somewhat removed from a plot of ground, doth better survey it and discover it, than those which are upon it, I thought it not impossible, but that I as a looker on, mighc cast mine eyes vpon some things which the Actors themselves, (especially some being interested, some led and addicted, some declared and engaged) did nor, or would not see ; And that knowing in my Conscience, whereto God beareth witness, that the things which I shall speake, spring out of no vaine of popularitie, ostentation, desire of noveltie, parcialitie to either side, disposition to intermeddle, or any the like Leven I know may

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may conceive hope, that what I want in depth of judgement, may bee countervailed in simplicitie, and sinceritie of affection. But of all things, this did most animate me, that I found in these opinions of mine, (which I have long held and embrased, as may appeare by that which I have many yeares since written of them, according to the proportion, notwithstanding of my weakenesse) a consent and confirmity with that which your Maiestie hath published, of your owne most Christian, most wise and moderate sence in these causes : wherein you have well expressed to the World, that there is infused in your sacred breſt from God, that high principle and position of Government, *That you ever hold the whole more deere, than any part.*

For who seeth not, that many are affected and give opinion in these matters, as if they had not so much a desire to purge the evill from the good, as to countenance and protec<sup>t</sup> the evill by the good. Others speake as if their scope were onely to ſeeke forth what is good, and not to ſeeke forth what is poſſible, which is to wiſh and not to propound. Others proceed, as if they had rather a minde or remooving, then of reforming. But howſever eyther ſide as men, though excellent men ſhall run into extremities, yet your Maiestie, as a moſt wiſe, equall, and Christian Moderator, is diſpoſed to find out the golden Mediocritie, in the eſtabliſhment of that which is ſound, and in the reparation of that which

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which is corrupt and decayed. To your Princely judgement then I doe in all humblenesse, submite whatsoever I shall propound, offering the same but as a mite into the Treasurie of your Wisdome. For as the Astronomers do well obserye, that when three of the superior Lights doe meete in conjunction, it bringeth forth some admirable effects: so there being joyned in your Maiestie the light of Nature, the light of Learning, and above all the light of Gods holy spirit, it cannot be but your government must bee as a happie constellation over the States of your Kingdomes. Neither is there wanting to your Maiestie that fourth Light, which though it be but a borrowed Light, yet is of singular efficacie and moment added to the rest, which is the Light of a most wise, and well compounded Counsell, to whose Honourable and grave Wisedomes I doe likewise submite whatsoever I shall say; Hoping that I shall not need to make protestation of my mind and opinion, that vntill your Maiestie doth otherwise determine and order, all actuall and full obedience is to be given to Ecclesiastical jurisdiction, as it now stands, and when your Maiestie hath determined and ordered, that every good Subject ought to rest satisfied, and apply his obedience to your Maiesties Lawes, Ordinances, and Royall commandements. Nor of the dislike I have of all immodest, bitternesse, peremptorie presumption, popular handling, and other courses tending

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tending rather to rumour and impression in the vulgar sort, than to likely hood of effect, joyned with observation of dutie.

But before I enter into the points controverted, I thinke good to remoue (if it may be) two opinions, which doe directly confront and oppone to reformation, the one bringing it to a nullitie, and the other to an impossibilitie. The first is, That it is against good policie to innovase any thing in Church matters. The other, That all reformation must bee after one Platorme.

For the first of these, it is excellently sayd by the Prophet, *Sicut super vias antiquas, & viarum quae non sunt via recta & vera, & ambulare in ea.* So as he doth not say, *Sicut super vias antiquas & ambulare in ea.* For it is true, that with all wise and moderate persons, custome and usage obtaineth that reverence, as it is sufficient matter to moue them to make a stand, and to discover and take a view, but it is no warrant to guide or conduet them a just ground I say it is of deliberation, but not of direction. But on the other side, who knoweth not that time is truely compared to a stremme, that carrieth downe fresh and pure waters into that salt sea of corruption which environeth all humaine actions? And therefore if man shall not by his industry, vertue, and policie, as it were with the gate rowe against the stremme and inclination of time, all institutions and ordinances be they never

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so pure will corrupt, and degenerate. But not to handle this matter common-place-like, I would onely aske, why the Civill State should be purged and restored by good and wholesome Lawes made every third and fourth yeere in Parliaments assembled, devising remedies as fast as time breedeth mischiefs, and contrariwise the Ecclesiasticall State should still continue vpon the dregs of time, and receive no alteration now for these five and forty yeares and more? If any man shall objec, that if the like intermission had beene vsed in Civill causes also, the error had not beene great. Surely the wisedome of the Kingdome hath beene otherwise in experience, for three hundred yeares space at the least. But if it be said to me, that there is a difference betweene Civill causes and Ecclesiastical, they may as well tell me, that Churches and Chappells need no reparations, though Castles and houses doe; whereas commonly to speake truth, dilapidations of the inward and spirituall edifications of the Church of God are in all times as great, as the outward and materiall. Sure I am, that the very word and stile of Reformation vsed by our Saviour, *ab initio non fuit sita*, was applied to Church-matters, and those of the highest nature concerning the Law moral.

Nevertheless, hee were both unthankefull and vnwise that would decay, but that the Church of England during the time of Queen Elizabeth of famous

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famous memorie did flourish. If I should compare it with forreign Churches, I would rather the comparison should be in the vertues, then as some make it in the defects; rather I say, as betweene the Vine & the Olive, which should be most fruitfull, & not as betweene the Brier and the Thistle, which should be most vaprofitable. For that reverence should be vsed to the Church which the good Soanes of *Noah* vised to their fathers nakednesse; that is, as it were to goe backwards, and to helpe the defects therof, and yet to dissemble them. And it is to be acknowledged, that scarcely any Church since the *Primitive Church*, yeelded in like manner of yeare, and Latitude of Countrey, a greater number of excellent Preachers, Famous Writers, and grave Governours, but for the Discipline and Orders of the Church, as many and the chiefeſt of them are very holy and good, so yet if *Saint John* were to indite an Epiftle to the Church of *England* as he did to them of *Aſia*, it would ſure have the clause *Nobis aduersus regna*. And no more for this point, ſaying that as an appendixe thereto, it is not amifle to touch that objection, which is made to the time and not to the matter, preten ding that if Reformation were neceſſary, yet it were not now Ieaſonable at your Maieſtys firſt entrance. Yet Hippocrates ſaith, *Si quid mores a priuicio nonne*. And the wiſedome of all examples doth ſhow, that the wiſeſt Princes, as they haue auct  
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been the most sparing in remooving or alteration  
of Servants and Officers vpon their comming in;  
so for remooving of abuscs and enormities, and  
for reforming of Lawes and the policie of their  
States, they have chiefly sought to enable and  
commend their beginnings therewith, knowing  
that the first impression with people continueth  
long, and when mens mindes are most in expecta-  
tion and suspence, then are they best wrought and  
managed. And therefore it seemeth to me that as  
the spring of nature, I meane the spring of the  
yeare, is the best tyme for purging and medici-  
ning the naturall body, so the spring of Kingdoms,  
is the most proper season for the purging and re-  
cifying of politique bodies.

There remaineth yet an objection rather of  
suspition then of reason, and yet such as I thinke  
maketh a great impression in the mindes of very  
wise and well affected persons; which is, That if  
we may be given somutation, though it be in taking away  
abuscs, yet it may so acquaint men with sweetnesse of  
change, as it will undermine the stabilitie even of that  
which is sound and good. This surely had beeue a  
good and true allegation in the ancient conten-  
tions and divisions betwene the people and the  
Senate of Rome, where things were carried at the  
appetites of multitudes which can never keepe  
within the compasse of any moderation. But these  
things being with vs to have an orderly passage  
vnder

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under a King who hath a *Ryall power*, and appro-  
ved judgement, and knoweth as well the measure  
of things, as the nature of them, is surely a need-  
lesse feare. For they need not doubt; but your  
Majesty with the advise of your Councell, will dis-  
cern what things are intermingled like the tares  
amongst the Wheat, which have their rootes so in-  
wrapped and intangled, as the one cannot be pul-  
led vp without indangering the other, and what  
are mingled, but as the chasse and the corne,  
which needs but a fanne to sift and sever them. So  
much therefore for the first point of no reformati-  
on to be admitted at all.

For the second point, That there should be but  
one forme of *Discipline* in all Churches, and that  
imposed by a necessary of a commandement and  
prescript out of the Word of God; it is a matter  
Volumes have beene compiled of, and therefore  
cannot receive a briefe redargution. I for my  
part doe confess, that in revealing the Scriptures,  
I could never shachant such thing, but that God  
had left the like liberty to the *Church governments*,  
as he hath done to the *Civill government*, to be va-  
ried according to time and place and accidents,  
which nevertheless, his high and divine provi-  
dence doth order and dispose; for all *Civill go-*  
*vernments* are restrained from God vnto the ge-  
nerall grounds of Justice and manners, but the po-  
licies and formes of them are left free. So that

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Monarchies and Kingdomes, Senates and Signories, popular States and Communalties, are all lawfull and where they are planted ought to bee maintained inviolate.

So likewise in Church matters, the substance of Doctrine is immutable, and so are the generall Rules of government, but for Rites and Ceremonies and for the particular Hierarchies, policies, and Disciplines of Churches, they be left at large. And therfore it is good wee returne vnto the ancient bonds of vaity, in the Church of God, which was one *Faith*, one *Baptisme*; and not one *Hierarchie*, one *Discipline*, and that wee observe the league of Christians, as it is penned by our Saviour Christ, which is the substance of Doctrine this; *He that is not with vs, is against vs*. But in things indifferent but of circumstance, this; *He that is not against vs, is with vs*. In these things so as the generall rules be observed, that Christ's flocke be fed, that there be a succession in Bishops and Ministers, which are the Prophets of the New Testament, that there be a due and reverent vse of the power of the Keys, that those that Preach the Gospell, live of the Gospell; that all things tend to Edification; that all things bee done to order and with decency, and the like; the rest is left to the holy wisedome and spirituall direction of the Master-builders and inferiour builders in Christ's Church, as it is excellently alluded by that Father that noted that Christ's Garment was without

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out same, and yet the Churches garment was of divers colours, and therupon setteth downe for a Rule; *In veste varietas sit saffra non sic.*

In which variety nevertheless it is a safe and a wise course to follow good examples and presidents. But then the rule of imitation and example, is to consider not only which are the best, but which are the likeliest, as namely the government of the Church, in the purest times of the first good Emperours that embraced the *Faith*. For the times of persecution before temporall *Princes* received the *Faith*, as they were excellent times for doctrine & manners, so they be vnproper and unlike examples of outward government and policy. And so much for this point : now to the particular points of Controversies or rather Reformation.

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### *Circumstances in the Government of Bishops.*

First therefore for the Government of Bishops, I for my part not prejudging the Presidents of other reformed Churches, doe hold it warranted by the Word of God and by the practise of the ancient Church in the better times, and much more convenient for Kingdomes then parity of Ministers, and goverment by Synodes. But then further it is to be considered, that the Church is not now

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now to plant or build, bat onely to bee pruned  
from corruptions and repaired; and restored in  
some decayes.

For it is worth the noting, that the Scriptute  
saith, *Translatio Sacerdotio, necessaria est ut & Legis fieri  
translatio.* It is not possible in respect of the great  
and neare Sympathie betweene the *State Civill,*  
and the *State Ecclesiasticall,* to make so mayne an  
alteration in the Church, but it would have a peri-  
lous operation vpon the Kingdome; and therefore  
it is fit, that controversie be in peace and silence.

But there bee two circumstances in the admi-  
nistration of Bishops, wherein I confess I could  
never be satisfied. The one, *The sole exercize of their  
authoritie;* The other, *The Deputation of their au-  
thoritie.*

For the first, the Bishop giveth orders alone, ex-  
communicateth alone, judgeth alone. This seemes  
to bee a thing almost without example in govern-  
ment, and therefore not vnlikely to have crept in  
the degenerate and corrupt times: Wee see the  
greatest Kings and Monarchs have their Coun-  
cels. There is no temporall Councell in England of  
the higher sort where the authority doth rest in  
one person. The Kings-bench, Common-pleas, and  
the Exchequer, are benshes of a certain number of  
Judges. The Chancellor of England hath an Assi-  
stance of 12. Masters of the Chancerie. The Ma-  
ster of the Wards hath a councell of the Court. So  
hath

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hath the Chancellor of the Duchie. In the Exchequer chamber, the *Lord Treasurer* is joyned with the Chancellor and the Barons ; The Masters of the Requests are ever more than one. The Justices of Assize are two. The *Lord Presidents* in the Marches and in the *North*, have counsels of divers. The Starre-chamber is an assembly of the Kings privie Councell aspersed with *Lords Spirituall* and Temporall. So as in all Courts the principall person hath ever either *Colleagues* or *Affessors*.

The like is to bee found in other well governed Kingdomes abroad where the jurisdiction is yet more distributed, as in the Courts of Parliament of France, and in other places. No man will deny, but the Acts that passe the *Bishops* jurisdiction, are of as great importance as those that passe the *Civill Courts*; for mens soules are more precious then their bodies or goods, & so are their good names. *Bishops* have their infirmities, and have no exception from that generall malediction which is pronounced against all men living, *Nasoli, nam si ceciderit, &c.* Nay, we see that the first warrant in Spirituall causes is directed to a number *Dei Ecclesia*, which is not so in temporall matters; And we see that in generall causes of *Church-government*, there are aswell assemblies of all the *Clergie* in Councells, as of the States in *Parliament*, whence should this sole exercise of jurisdiction come? Surely, I doe suppose and thinke upon ground, that *ab initio*

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*non fuit ita ; and that the Deanes and Chapters were Counsels about the Seas and chayres of Byshops at the first, and were unto them a Presbiterie, or Consistorie, and intermedled not onely in the disposing of their revenues and endowments, but much more in jurisdiction Ecclesiasticall. But it is probable, that the Deane and Chapter stucke close to the Byshops in matters of profit and the world, and would not loose their hold ; but in matters of Jurisdiction, (which they accounted but trouble and attendance) they suffered the Byshops to encroach and usurpe, and so the one contiuereth, and the other is lost. And wee see that the Bishop of Rome, (as est & ab hoste doceri, and no question in that Church the first institutions were excellent) performeth all Ecclesiasticall jurisdiction as in Consistorie.*

And whereof consisteth this Consistorie, but of the parish Priests of *Rome*, which terme themselves Cardinals, a cardinibus mundi, because the Bishop pretendeth to be universall ouer the whole world. And hereof againe we see divers shadowes yet remaining, as that the Deane and Chapter, pro forma chooseth the Bishop, which is the highest point of jurisdiction. And that the Bishop when hee giveth orders, if there be any Ministers casually present, calleth them to joyne with him in imposition of hands, and some other particulars ; And therefore it seemes to me a thing reasonable and religi-  
ous,

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ous, and according to the first institution, that Bishops in the greatest causes, and those which require a spirituall discerning, namely in ordayning, suspending or depriving Ministers in excommunication being restored to the true and proper vse as shall bee afterwards touched, in sentencing the validity of Marriages, and legitimatisations, in judging causes criminous, as Symonie, incest, blasphemy and the like, should not proceed sole and vnassisted, which point as I vnderstand, is a Reformation that may bee planted *sine strepitu*, without any perturbation at all, and is a matter which will give strength to the Bishops, countenance to the inferiour degrees of Prelates or Ministers, and the better issue or proceeding in those causes that shall passe.

And as I wish this strength given to the *Bishops* by Councell, so it is not vnworthy your *Majesties* Royall consideration, whether you shall not think fit to give strength to the generall Counsell of your *Clergie*, the *Convocation House*, which was then restrained, when the state of the Clergie was thought a suspected part to the Kingdome in regard of their late homage to the *Byshop of Rome*, which state now will give place to none in their loyaltie and devotion but to your *Majestie*.

For the second point, which is the Deputation of their authority, I see no perfect and sure ground for that neither, being somewhat different

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rest from the examples and rules of government. The *Bishop* exerciseth his jurisdiction by his *Chancellor* and *Commissarie, Official, &c.* We see in all Lawes in the world, offices of confidence and skill cannot be put over nor exercised by deputie, except it bee especially contained in the originall grant, and in that case it is dutifull. And for experience, there was never any *Chancellour* of *England*, made a Deputie. There was never any Judge in any Court, made a Deputy. The *Bishop* is a Judge, and of a high Nature, whence commeth it that he should depute, considering that all trust and confidence as was said, is personall and inhererent, and cannot or ought not to bee transposed? Surely in this againe *ab initio non facit ista*, but it is probable, that *Bishops* when they gave themselves too much to the glory of the *World*, and became *Grandes* in *Kingdomes*, and great *Councillours* to *Princes*, then did they beloue their proper jurisdiction as things of too inferiour a nature for their greatnessse; and then after this similitude and imitation of *Kings* and *Counts Palatine*, they would have their *Chancellours* and *Judges*.

But that example of *Kings* and *Potentates* giveth no good defence. For the reasons why *Kings* administer by their *Judges*, although themselves are supreame *Judges*, are two; The one because the Offices of *Kings* are for the most part of inheritance,

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Heritance, and it is a Rule in all Lawes; That Offices  
of inheritance, are rather matters that stand in inter-  
est, than in confidence, forasmuch as they may fall  
vpon Wemen, vpon Infants, vpon Lunaticques and  
Idiots, persons vncapable to execute judicature  
in person, and therefore such Offices by all Lawes  
might ever be exercised and administred by dele-  
gation. The second reason is, because of the ampli-  
tude of their Jurisdiction, which is as great as ei-  
ther their birth-right from their Ancestors, or their  
fward-right from God, maketh it. And therfore if  
*Moses* that was Govrnor over no great people,  
and those collected together in a Campe, and not  
scattered in Provinces and Cities, himselfe likewise  
of an extraordinary spirit, was nevertheless not a-  
ble to suffice and hold out in person to judge the  
people; but did by the advise of *Iethro* approved  
from God, substitute Elders and ludges, how much  
more other Kings and Princes.

There is a third Reason likewise, not much to  
the present purpose, and that is: That Kings either  
in respect of the Common wealth, or of the great-  
nesse of their own Patrimonies are vsually parties  
in suites, and then their Judges stand indifferent  
betweene them and the Subiect. But in the case of  
*Bishops*, none of these reasons hold. For first, their  
Office is elective and for life, and not patrimoni-  
all or hereditary; an Office meerly of confidence,  
science and qualification. And for the second rea-  
son

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son, it is true that their jurisdiction is ample and spacious, and that their time is to bee divided betweene the labours as well in the Word and Doctrine, as in government and jurisdiction. But yet I doe not see, supposing the Bishops Courts to be vsed vncorruptly, and without any indirect course held to multiply causes for gaine of fees, but that the Bishop might very well for causes of moment, supply his judicall function in his owne person. For we see before our eyes, that one *Chancellor of England* dispatcheth the suites in equitie of the whole Kingdome; which is not by reason of the excellency of that rare honourable person which now holdeth that place, but it was ever so, though more and lesse burdenous to the futor, as the *Chancellor* was more or lesse able to give dispatch. And if heed bee taken to that which was said before, that the *Bishops* labour in the Word must take vp a principall part of his time, so I may say againe, that matters of State have ever taken vp most of the *Chancellors* time, having beeene for the most part persons, vpon whom the Kings of this Realme have most relied for matters of Counsell. And therefore there is no doubt, but the *Bishop* whose circuit is lesse ample, and the causes in nature not so multiplying, with the helpe of references and certificates to and from sic persons for the better ripening of causes in their meane proceedings, and such ordinary helpes incident to jurisdiction,

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dition, may very well suffice his Office. But yet there is another helpe, for the causes that come before him are these. Tythes, Legacies and Administrations, and other testamentary causes, causes Matrimoniall, accusations against Ministers tending to their suspension, deprivation or degrading, Simony, Incontinency, Heresie, Blasphemy, breach of Sabbath, and other like causes of scandall. The first of these two in mine opinion, differ from the rest, that is, Tithes and Testaments, for those bee matters of profit and in their nature Temporall, though by a favour & connivence of the temporall jurisdiction, they have been allowed and permitted to the Courts Ecclesiastall, the one, to the end the Clergie might sue for that that was their sustentation, before their owne Judges, and the other in a kind of piety and Religion, which was thought incident to the performance of dead mens Wils. And surely for these two, the Bishop in mine opinion, may with lesse dangers discharge himselfe vpon his ordinary Judges. And I thinkke likewise it will fall out that those sutes are in the greatest number. But for the rest, which require a Spirituall science and discretion in respect of their nature, or of the scandall, it were reason in my opinion there were no audience given, but by the Bishop himselfe, hee being also assisted as was touched before, but it were necessary also hee were attended by his Chanceller or some others his Officers,

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ficers, being learned in the *Civill Law*, for his better instruction in points of formalicie, or the courses of the Court, which if it were done, then were there lesse vse of the *Officials Court*; whereof there is now so much complaint; and causes of the nature aforesaid being onely drawne to the audience of the Bishop, it would reppresse frivolous and polling suites; and give a grave and incorrupt proceeding to such causes as shall be fit for the Court.

There is a third point also, not of jurisdiction, but of forme of proceeding, which may discerne Reformation; the rather because it is contrary to the Lawes and Customes of this Land and State, which though they doe not rule those proceedings, yet may they be advised with for better directions, and that is, the Oath *ex Officio*, whereby men are inforced to accuse themselves, and that that is more, are sworne vnto Blanques, and not vnto accusations and charges declared. By the Lawes of England, no man is bound to accuse himselfe. In the highest cases of treason, torture is vsed for discovery, and not for evidence: In capitall matters, no delinquents answer vpon oath is required, no not permitted. In criminall matters not capitall, handled in the *Starre Chamber*, and in causes of Conscience handled in the *Chancerie*, for the most part grounded vpon trust and secrete, the Oath of the party is required. But how? where there is an accusation and an accusor, which wee call

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call bills of complaint, (from which the complainant cannot vary, and out of the compass of the which the defendant may not be examined) exhibited unto the Court, and by Proces notified unto the defendant. But to examine a man upon Oath out of the insinuation of fame, or out of accusations secret and undeclared, though it have some countenance from the *Civill-Law*, yet is so opposite *ex diametra* to the fence and course of the *Common-Law*, as it may well receive some limitation.

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## *Concerning the Liturgie, the Ceremonies, and Subscription.*

**F**OR the *Liturgie*, great respect and heed would be taken, lest by inveighing against the dumbe Ministry due reverence bee not withdrawne from the *Liturgie*. For though the guist of Preaching be farre above that of Reading, yet the action of the *Liturgie* is as high and holy as that of the *Sermon*. It is said, *Dominus mea dominus orationis vocabitur*, The house of Prayer, not the houle of Preaching. And whereas the Apostle saith: *How shall men call upon him on whom they have not beleeved?* And how shall they beleevs vunlesse they heare? and how shall they heare without a Preacher? It appeareth that as Preaching is the more originall, so Prayer is the more finall, as the difference is betwene the seed and the fruit

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fruit for the keeping of Gods Law ; is the fruit of the teaching of the Law; and *Prayer, or Invocation, or Divine Service, or Liturgie* (for these be but variety of termes) is the mediate allowing of the Name of God, and the principall work of the first Table, and of the great Commandement of the Law of God. It is true, that the *Preaching of the holy word of God*, is the sowing of the seed, it is the lifting up of the brazen Serpent, the Ministry of Faith, and the ordinary meanes of salvation: but yet it is good to take example, how that the best Action of the worship of God may be extolled excessively and superstitiously.

As the extolling of the Sacrement bred the superstition of the Masse; the extolling of the *Liturgie* and *Prayers*, bred the superstition of the Monastical orders & coraisons; And so no doubt Preaching likewise may bee magnified and extolled superstitiously, as if all the whole body of Gods worship should be turned into an eare. So as none (as I suppose) of sound judgement, will derogate from the *Liturgie*, if the forme thereof be in all parts agreeable to the word of God, the example of the *Primitive Church*, and that *holy decency* which St. Paul commendeth. And therefore first, that there bee a set Forme of *Prayer*, and that it be not left, either to an extemporall forme, or to an arbitrary forme: Secondly, that it consist aswell of lawdes, hymnes, & thanksgivings, as of petitions, prayers and supplications. Thirdly,

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Thirdly, that the Forme thereof bee quickned with some shortnesse, and diversities of prayrs: and hymnes, and with some interchanges of the voyce of the people, as well as of the voyce of the Minister. Fourthly, that it admit some distinctions of times and commemorations of Gods principall benefits, as well generall as particular. Fifthly, that prayers likewise bee appropriated to severall necessities and occasions of the Church. Sixthly, that there bee a Forme likewise of words and Liturgie in the administration of the Sacraments, and in the denouncing of the censures of the Church, and other holy actions and solemnities. These things I thinke will not be much controverted.

But for the particllar exceptions to the Liturgie in Forme as it now stands, I thinke divers of them allowing they were just, yet seeme they not to bee weighty, otherwise then that nothing ought to bee accounted light in matters of Religion and pietie, as the Heathen himselfe could say, *Etiam vultus sapientiarum pietas.* That the word Priest should not bee continued, especially with offence, the word Minister being already made familiar.

This may be said that it is a good Rule in translation, never to confound that in one word in the translation, which is precisely distinguished in two words in the originall, for doubt of æquivocation and traducing. And therefore seeing the word *Hierophant* and *Episcopus* bee always distinguished

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in the originall, and the one used for a Sacrificer, the other for a Minister , the word Priest being made common to both, whatsoever the derivation be, yet in use it confoundeth the Minister with the Sacrificer. And for an example, of this kind, I did ever allow the discretion and tendernes of the Rbenish translation in this Point, that finding in the originall the Word αγάπη and neuer ἀρετή doe ever traßlate Charity, and never Love, because of the indifferency and equivocation of the word without impure Love.

Touching the Absolution, it is not unworthy consideration whether it may not be thought unproper and unnecessary, for there are but two sorts of Absolution, both supposing an obligation precedent: the one upon an Excommunication, which is Religious and Primitive; the other upon Confession and Pennance, which is superstitious, or at least positive, and both particular, neither generall. Therefore since the one is taken away, and the other hath his proper case , what doth a generall Absolution, wherein there is neither Pennance nor Excommunication precedent? For the Church never looseth, but where the Church hath bound. And surely , I may thinke, this at the first was allowed in a kinde of Spirituall discretion , because the Church thought the people could not bee suddenly weaned from their conceit of assyling , to which they had beeene so long accustomed.

For

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For *Confirmation*, to my understanding the state of the Question is, whether it be not a matter mi-  
staken and altered by time, and whether that be no $\bar{t}$   
now made a subsequent to *Baptisme*, which was in-  
deed an inducement to the *Communion*. For whereas  
in the *Primitive Church*, Children were examined  
of their Faith before they were admitted to the  
*Communion*, time may seeme to have turned it to  
referre as if it had beeene to receive a confirmation  
of their *Baptisme*.

For *Private Baptisme*, by Women or Lay-persons,  
the best *Divines* do utterly condemne it, and I heare  
it not generally defended, and I have often marvel-  
led, that when the Booke in the Preface to publique  
*Baptisme*, doth acknowledge that *Baptisme* is the  
practise of the *Primitive Church*, was anniversary,  
and but at set and certaine times; which sheweth  
that the *Primitive Church* did not attribute so much  
to the Ceremony, as they will breake an outward  
and generall order for it, the Booke should after-  
wards allow of *Private Baptisme* onely to the *Mi-  
nisters*, should bee broken in regard of the supposed  
necessity. And therefore this point of all others,  
I thinke was but a *concessum propter duritiam cordis*.

For the forme of celebrating *Matrimony*; the  
Ring seemeth to many even of vulgar fence and un-  
derstanding, a Ceremony not grave, specially to be  
made (as the words make it) the essentiall part of

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the action: besides some other of the words are noted in speech to be not so decent and fit.

For *Musick* in *Churches*. That there should bee singing of *Psalmes* and *spirituall songs*, is not denied, so the Question is *De modo*; wherein if a man will look attentively into the order and observance of it, it is easie to discerne, *betweene the wisedome of the institution, and the excessse of the late times*. For first, there are no *Songs* or *Verses* sung by the *Quire*, which are not supposid, by continuall use, to bee so familiar with the people as they have them without booke, whereby the sound hurteth not the understanding, and those which cannot read upon the booke, are yet partakers of the sense, and may follow it with their mind. So againe, after the reading of the *Word of God*, it was thought fit there should be some *pawse*, for *holy meditation* before they proceeded to the rest of the service; which *pawse* was thought fit to be filled rather with some grave sound, then with a still silence, which was the reason of the playing upon the *Organs* after the *Scriptures* read. All which was decent and tending to *edification*. But then the curiositie of division and reports, and other figures of *Musick*, have no affinity with the reasonable service of *God*, but were added in the more pompous times.

For th *Cap* and *Surplice*, since they be things in their nature in diff rent, and yet by some held superstitions, & that the question is *betweene Science and*

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and Conscience, it seemeth to fall within the compass of the *Apostles* rule, which is, that the stronger doe descend and yeeld to the weaker. Only, the difference is, that it will be materially said, that the rule holds betweene private man, and private man, but not betweene the conscience of a private man, and the order of a *Church*. But yet since the question at this time is of a toleration, not by connivence which may incourage disobedience, but by Law which may give a liberty, it is good againe to bee advised, whether it fall not within the equity of the former rule. The rather because the silencing of *Mi-nisters* by this occasion, *is in this scarcity of good Preachers*, a punishment that lights upon the people as well as upon the party. And for the *Subscription*, it seemeth to be in the nature of a *Confession*, and therfore more proper to bind in the unity of *Faith*, and to be urged rather for Articles of doctrine, then for *Rites and Ceremonies and points of outward government*. For howsoever politike considerations and reasons of State may require *Uniformity*, yet *Christian and divine grounds looke chiefly upon unity*.

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*Touching*

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### *Touching a Preaching Ministry.*

**T**O speake of a learned Ministry, it is true, the worthinesse of the *Pastors* and *Ministers* is of all other points of religion the most summary; I doe not say the greatest, but the most effectuall towards all the rest. But herein to my understanding, while men goe on in Zeale to hasten this worke; they are not aware of as great or greater inconvenience than that which they seeke to remoye. For while they inveigh against a dumbe Ministry, they make too easie and too promiscuous an allowance of such as they account Preachers, having not respect enough unto their learnings in other Arts, which are hand-maides to Divinity; nor respect enough to the guift it selfe, which many times is none at all. For God forbid that every man that can take vnto himselfe boldnesse to speake an houre together in a Church vpon a Text, shoulde be admitted for a Preacher, though he meane never so well. I know there is a great Latitude in guifts, and a great variety in Auditories and Congregations, but yet so, as there is aliquid infimum, below which you ought not to descend. For you must rather leave the Arke to shake, as it shall please GOD, than put unworthy hands to hold it up, and when

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when we are in Gods Temple; we are warned rather to put our hands upon our mouth, then to offer the Sacrifice of fooles. And surely, it may be justly thought, that amongst many causes of Atheisme, which are miserably met in our Age, as Schismes, and controversies, prophane scoffing in holy matters and oþers, it is not the least that divers doe adventure to handle the word of God, which are unfit and unworthy. And herein I would have no man mistake mee, as if I did extoll curious & affected Preaching, which is as much on the other side to be disliked, and breeds Atheisme and scandall as well as the other ( for who would not be offended at one that comes into the pulpit, as if he came upon the stage, to play parts or prizes,) neither on the other side, as if I would discourage any who hath any tolerable gift.

But upon this point, I ground three considerations; whether it were not requisite to renew that good Exercise which was practised in this Church some years, and afterwards put downe, by order indeed from the Church in regard of some abuse thereof, inconvenient for those times, and yet against the advise and opinion, of one of the greatest and gravest Prelates of this Land, and was commonly called Prophecyng; which was this : That the Ministers within a Precinct, did meeete upon a weeke day, in some principall Towne, where there was some ancient grave Minister, that was President, and an Auditor admitted

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mitted of Gentlemen, or other persons of leisure; then every Minister successively beginning with the yoongest, did handle one and the same piece of Scripture, spending severally some quarter of an houre or better, and in the whole, some two houres; and so the Exercize being begun and concluded with prayer, and the President giving a Taxe for the next meeting, the Assembly was dissolved. And this was I take it, a fortnights Exercize, which in my opinion was the best way to frame and trayne up Preachers to handle the word of God as it ought to be handled, that hath beene practised. For we see Orators have their Declamations, Lawyers have their mootes, Logicians their Sophisms, and every practise of Science hath an exercise of condition and resolution, before men come to the life, onely Preaching which is the worthiest, and wherein it is most danger to doe amisse, wanteth an introduction, and is ventred and rushed upon at the first; but unto this exercise of the Prophecie, I would wish these two additions; the one, that after this exercise which is in some sort publique, there were immediatly a private meeting of the same Ministers where they might brotherly admonish the one the other, and especially the elder sort the yonger, of any thing that had passed in the Exercize, in matter or manner unsound and uncomely.

And in a word might mutually use such advise; instruction, comfort or encouragement, as occasion might

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might minister for publike reprehension were to be debarred.

The other addition that I meane, is, that the same Exercise were used in the Universities, for young Divines before they presumed to Preach, as well as in the Country for Ministers, for they have in some Colledges an exercise called a Common-place, which can in no degree be so profitable being but the speech of one man at one time. And if it be feared that it may be occasion to whet mens speeches for Controversies, it is easily remedied by some strict prohibition, that matters of Controversie extending any way to the violating or disquieting the peace of the Church, be not handled or entred into; which prohibition in regarde here is ever to be a grave person President or Moderator, cannot be suffered. The second consideration is, whether it were not convenient there should be a more exact probation and examination of Ministers. Namely, that the Bishops doe not ordaine alone but by advise, and then that the ancient holy orders of the Church might be revived, by the which the Bishop did ordaine Ministers but at foure set times in the yeare, which were called, *Quatuor tempora*, which are now called *Ember weekes*; it being thought fit to accompany so high an action with generall *Fasting*, and *Prayer*, and *Sermons*, and all holy exercises. And the names likewise of those that were ordayned were published

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some dayes before their ordination, to the end, exceptions might be taken if just cause were.

The third consideration is, that if the case of the Church of England be, that where a computation is taken of all the parochian Parishes, as allowing the union of such as were too small, and adjacent, and againew, a computation to be taken of the persons, who are worthy to be *Pastors*: And if upon the said account it fall out, that there are many more Churches than *Pastors*, then of necessity, recourse must be had to one of these remedies; eyther that Pluralities must be allowed, specially if you can by permutations make the benefices more compatible, as there be allowed Preachers to have a more generall charge to supply and serve by turne Parishes unfurnished. For that some Churches should bee provided of *Pastors* able to teach, and other wholly destitute, seemeth to me to be against the Communion of Saints, and Christians, and against the practise of the Primitive Church.

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## *Touching*

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### *Touching the abuse of Excommunication.*

**E**xcommunication is the greatest judgment upon the Earth, being that which is ratified in Heaven, *and being a precursor or preserie judgement of Christ in the end of the world*; and therefore for this to be used unreverently, and to be made an ordinary processe to lacky up and downe for Fees, how can it be without derogation to Gods honour, and making the power of the keyes contemptible? I know very well the defence thereof which hath no great force, That it issues forth no for the thing it selfe, but for the contumacy. I doct not deny but this Iudgement is as I said before, of the nature of Gods judgement, of the which it is a modell; For as the judgement of God taketh hold upon the least Lane of the impenitent, so *excommunication*, may in case issue upon the smallest offence, and in case not issue upon the greatest, but is this contumacy, such a contumacy as *Excommunication* is now used for? For the contumacy must be such, as the party as farre as the eye and wisedome of the Church can discerne, standeth in state of reprobation and damnation, as one that for that time seemeth given over to fiaill impeniteancy. Vpon this obseruation I ground two considerations; The one, that

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this censure bee restored to the true dignity and use therof, which is, that it proceed not in cases of great weight, and that it be decreed not by any Deputy or substitute of the Bishop, but by the Bishop in person, and not by him alone, but by the Bishop assisted:

The other Consideration is, that in leave thereof, there be given to the Ecclesiastical Courts, some ordinary processe, with such force and coercion, as appertaineth. That so the dignity of so high a sentence being retained, and the necessity of meane processe supplyed, the Church may be indeed restored to the ancient vigor and splendor. To this purpose joyned with some other holy and good purposes, was there a Bill drawne in Parliament in the three and twenty yeare of the raigne of the Queen deceased, which was the gravest Parliament that I have knowne, and the Bill recommended by the gravest Conancellor of Estate in Parliament, though afterwards it was stayed by the Queenes speciall commandement, the nature of those times considered.

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## *Touching the Non-residents and Pluralities.*

**F**OR Non residents except it bee just of necessary absence, it seemeth to be an abuse drawne out of covetousnesse and sloath; for that men should live

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of the flocke that they doe not feede, or at the Altar at which they doe not serve, is a thing that can hardly receive just defense: And to exercise the office of a Pastor in matter of word and doctrine by deputy, is a thing not warranted as hath bee ne touched before. The question upon this point doth chiefly arise upon the cases of exception, and excusation, which shall be thought reasonable and sufficient, & which not; for the case of Chaplaines, let me speake that with your Majesties pardon, and with due reverence towards other Peeres and grave persons, which are by Statutes privileged, I shoulde thinke that the attendance which Chaplaines give to your Majesties Courts, and in the Houses and Families of their Lords, were a juster reason why they should have no Benefice, then why they should be qualified to have two, for as it standeth with Christian policy, that such attendance be in no wise neglected, because that good which ensueth thereof to the Church of God, may exceed or countervale that which may follow of their labours in any, though never so large a congregation, so it were reasonable that their maintenance should liberally proceed thence whence their labours be employed.

Neither are there wanting in the Church, Dignities and preferments not joyned with any exact cure of soules, by which and by the hope of with such attendants in ordinary, who ought to be as for the most part they are of the best gifts and  
sort

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sort may be further encouraged and rewarded, and as for extraordinary attendants, they may very well retaine the grace and countenance of their places and duties at times incident thereunto, without discontinuance or *non-residence* in their pastorall charges.

Next, for the case of intending studyes in the Universities, it will now easily receive an Answer, for studies doe but serve and tend to the practise of those studyes, And therefore by that which most principall and finall to be left undone, for the attending of those which is *subservient and subministrant*, seemeth to bee against proportion of reason. Neither doe I see, but that they proceed Right-well in all knowledge, which doe couple study with their practise, and doe not first study altogether and then practise altogether. And therefore they may very well study at their Benefice. Thirdly, for the case of extraordinary service of the Chursh, as if some Pastor be sent to a generall Councill, or here to a Convocation, and likewise for the case of necessity, as in the particular of infirmity of body and the like, no man will contradict, but there may be some substitution for such a time. But the generall case of necessity, is the case of Pluralities, the want of Pastors and insufficiency of Livings considered. *Posto*, that a man doth faithfully and incessantly divide his labours betweene two Cures, which kind of necessity I come now to speake of, in the handling of Pluralities.

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For *Pluralities*, in case the number of able Ministers were sufficient, and the value of the Benefices were sufficient, then *Pluralities* were in no sort tolerable. But wee must take heed we desire not contraries; For to desire that every Parish should bee furnished with a sufficient *Preacher*, and to desire that *Pluralities* be forthwith taken away, *is to desire things contrary*, considering *de facto*, there are not sufficient *Preachers* for every Parish; whereto adde likewise, that there is not sufficient living and maintenance in many parishes to maintaine a *Preacher*, and it makes the impossibility yet much the greater. The remedies in *rerum natura*, are but three, *Union*, *Permutation*, and *Supply*. *Union*, of such Benefices as have the living too small, and the parish not too great, and are adacent. *Permutation*, to make Benefices more compatible men be over-ruled to some losse in changing a better for a nearer. *Supply*, by Stipendary *Preachers* to be rewarded with some liberall stipends to supply as they may, such places which are unfurnished of sufficient Pastors, as Queen Elizabeth amongst other her Christian acts, did erect certaine of them in Lancashire, towards which persons, I see no reason but reading Ministers if they have rich Benefices should be charged.

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### *Touching the provision for sufficient maintenance in the Church.*

**T**ouching Church maintenance it is well to be weighed, what is *Iure divino*, and what is *Iure positivo*; it is a constitution of the Divine law, wherefrom Humaine lawes cannot derogate; that those that feed the flocke, should live of the flocke; that those which serve at the Altar, should live at the Altar; and with dispence Spirituall things, should reape Temporall things. Of which it is also an appendix, that the proportion of this maintenance be not small or necessitious, but plentifull and liberall; so that all the places and offices in the Church hath such a donation, that they may be maintained according to their severall degrees, is a constitution parmanent and perpetuall. But for particularity of the endowment, whether it should consist in Tythes, or Lands, or persons, or mixt, it may make a question of convenience; but, no question of precise necessity: Againe, that the case of the Church *De facto* is such, that there is want in the Church of patrimony, is confessed for the principall places; namely, the Bishops livinges are in some particulars not sufficient; and therefore inforced to bee supplyed by toleration of *Comme-  
dams*, things in themselves unfit and ever held of no good report.

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And as for the Benefices and Pastors places, it is manifest, that many of them were very weake and penurious ; on the other side, that there was a time when the Church was rather burdened with superfluity then with lacke ; that is likewise apparant, but it was long since, so as the fault was in others, the want redoundeth upon us againe.

And therefore , that it were to be wished that Impropriations were returned to the Church as the proper and naturall endowment thereof.

As a thing likewise whereon mens judgments will not much vary. Also, that it is an Impossibility to proceed eyther to their resumption or redemption, is as plaine on the other side ; for men are staled in them by the highest assurance of the Kingdome, which is Act of Parliament, and the value of them amounteth much above tenne Subsidies. And the Restitution must of necessity passe their hands, in whose hands there is interest and possession. ;

But of these things which are manifestly true, to inferre and ground some conclusions ; First, for mine owne opinion, and since I must confess, let me speake it with reverence , th tall the Parliaments since the 27. and 31. of King *Henry 8.* who gave away Impropriations from the Church, seeme to me to stand in some sort obnoxious and obliged to G O D in Conscience to doe somewhat for the Church , to reduce the Patrimony there-

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of to a competencie ; for since they have debarred Christis wife of a great part of her Dowrie, it were reason they made her a competent Joyniture. Next to say, that Impropropriations should be onely charged, *that carreyt neither possibility nor reason.* Not possibility for the reason touched before. Not reason because if it be conceived that any other persons be charged it should be a recharge or double charge, in as much as he payeth Tythes to the Church, so the Realme hath taken that away againe from the Church, and gave them to the King, as they might give their tenth sheaffe, or ninth sheaffe, and therefore, the first guift being evacuated, it cannot goe in descaunce or disgrace of that perpetuall bond whereby men are bound to maintaine Gods Ministers. As we see in example, *that divers godly, and well disposed persons doe put in vre who are content to increase their Preachers livings,* which though in Law it be but a benevolence; yet before God, it is but a conscience. Farther that Impropropriations should not be somewhat more deeply charged then other revenewes of like value; me thinkes it cannot well be denied, both in regard of the ancient claim of the Church and the intention of the first giver. And againe, because *they have passed in valuation betweene man and man somewhat at the lese rate, in regard of the said presence, or claime in Conscience before God :* But of this point touching Church maintenance, I doe not thinke fit to enter into a far.

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further particularity, but reserve the same to a fitter time.

Thus have I in all humblenesse and sincerity of heart , to the best of mine understanding, given your Majestie tribute of my cares and cogitations in this holy busynesse, so highly tending to Gods glory, your Majesties honour, and the peace and welfare of your States ; in so much , as I am perswaded the Papists themselves shoud not need so much the severity of the penall Lawes , if the sword of the Spirit were better edged, by strengthening the authority, and suppressing the abuses in the Church.

To conclude therefore, renewing my most humble submission of all that I have said, to your Majesties most high wisedome ; and againe most humbly craving pardon for my errour committed in this writing, with the same weakness of Judgment which suffered me to commit them, would not suffer me to discover them.

I end with my devout and fervent prayer to G O D , that as hee hath made your Majesty the corner stonē in joyning your two Kingdomes , so you may bee also as a corner stonē to unite and knit together these differences in the

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Church of GOD, to whose heavenly grace, and ne-  
ver erring Direction, I commend your Maj-  
esties Sacred person and all your  
doings.

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*FINIS,*

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